

Message Text

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ORIGIN EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOTE-00 INR-07 NSAE-00 FAA-00 L-03 /032 R

DRAFTED BY EB/OA/AVP:JCOOK:GL

APPROVED BY EB/OA/AVP:DBORTMAN

EUR/NE-CANNEY

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R 171950Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY HELSINKI

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E.O. 11652: N/A

TAGS: EAIR, FI

SUBJECT: CIVAIR: LFAS CHARTER FLIGHT

REF: AUSTAD-CANNEY TELCON

1. AS EMBASSY AWARE, CAB APPROVED JUNE 12 PAA CHARTER FLIGHT FOR LFAS GROUP ON GROUNDS THAT DENIAL AT LATE DATE WOULD IMPOSE UNDUE HARDSHIP ON PARTICIPANTS. HOWEVER, LEGAL STATUS OF LFAS VIS-A-VIS BOARD'S AFFINITY CHARTER REGULATIONS HAS NOT BEEN RESOLVED. FOR FLIGHTS SCHEDULED FOR AUGUST 14, BOARD WILL PERMIT PAA AND LFAS TO SUBMIT ADDITIONAL INFORMATION IN SUPPORT OF ITS CHARTER-WORTHINESS.

2. DEPARTMENT POSITION AS SET FORTH IN LETTER TO CAB CHAIRMAN WAS TO URGE APPROVAL FOR JUNE 12 FLIGHT. WE OFFERED TO REQUEST FROM THE EMBASSY ADDITIONAL INFORMATION ON ACTIVITIES OF LFAS WHICH SHOULD PERMIT BOARD TO MAKE DEFINITIVE JUDGEMENT ON STATUS OF GROUP. THUS, THE BOARD'S APPROVAL OF JUNE 12 FLIGHT SHOULD NOT BE CONSTRUED AS REVERSAL OF BOARD'S DETERMINATION THAT THE PROSPECTIVE CHARTER PARTICIPANTS DID NOT CONSTITUTE A CHARTERWORTHY LIMITED OFFICIAL USE LIMITED OFFICIAL USE

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GROUP. FOR PURPOSES OF CAB PRO-RATA AFFINITY CHARTER REGULATIONS, BONAFIDE MEMBERS ARE THOSE MEMBERS OF A CHARTER ORGANIZATION WHO HAVE NOT JOINED SUCH ORGANIZATION

MERELY TO PARTICIPATE IN THE CHARTER AS THE RESULT OF SOLICITATION OF THE GENERAL PUBLIC AND WHO ARE MEMBERS FOR A MINIMUM OF 6 MONTHS PRIOR TO THE STARTING FLIGHT DATE. THE BOARD BASED ITS ORIGINAL DECISION DENYING PAN AM AUTHORITY TO CARRY LFAS ON FOLLOWING FACTORS:

(A) THE LEAGUE DID NOT CONFER VOTING RIGHTS ON THE PARTICIPANTS UNDER ITS CHARTER AND THUS APPEARED TO HAVE BEEN FORMED SOLELY FOR THE PURPOSE OF POOLING MEMBER-SHIPS FOR ARRANGING CHARTER FLIGHTS TO FINLAND;

(B) THE BY-LAWS OF THE LEAGUE LISTED AS ONE OF ITS PURPOSES THE ARRANGEMENT OF CHARTER FLIGHTS. MOREOVER, THE BOARD'S REVIEW OF PASSENGER LISTS SUPPLIED BY PAA AND LFAS INDICATED THAT PARTICIPANTS HAD NO PRIOR AFFINITY CONTACTS.

3. FOR PURPOSES OF A FINAL BOARD DECISION ON LFAS STATUS, EMBASSY SHOULD THEREFORE SUPPLY ALL PERTINENT INFORMATION ON ORGANIZATION, HISTORY AND NATURE OF NON-TRAVEL ACTIVITIES OF LFAS. SO FAR, PAA HAS SUBMITTED ONLY COPY OF CHARTER AND PASSENGER LISTS. LFAS POSITION WOULD THEREFORE BE STRENGTHENED BY ADDITIONAL INFORMATION ON ITS ACTIVITIES REFERRED TO IN REFTEL (A).

4. DEPT HAS NEVER REQUESTED BOARD TO MAKE BLANKET EXCEPTION FROM CAB REGULATIONS FOR CHARTER GROUPS ON FOREIGN POLICY GROUNDS. IT IS THEREFORE DOUBTFUL THAT LFAS CASE WILL BE RESOLVED SOLELY ON BASIS OF POLITICAL ARGUMENTS. IT IS ESSENTIAL THAT BOARD BE GIVEN SUFFICIENT INFORMATION ON WHICH TO BASE ITS DECISION WITHOUT REFERENCE TO FOREIGN POLICY CONSIDERATIONS.

FYI- POST SHOULD BE AWARE THAT THERE MAY BE OTHER TYPES OF CHARTER CATEGORIES WHICH MIGHT BE USED BY LFAS IF IT IS UNABLE TO COMPLY WITH BOARD'S AFFINITY CHARTER RULES, SUCH AS TRAVEL GROUP CHARTERS AND INCLUSIVE TOUR CHARTERS.
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THEREFORE, AN ADVERSE BOARD DECISION WOULD NOT NECESSARILY PRECLUDE ALL LFAS CHARTER TRIPS AND PAA IS FULLY AWARE OF THIS. END FYI. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CIVIL AVIATION, FLIGHT CLEARANCES, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Draft Date: 17 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: MorefiRH
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE141600
Document Source: ADS
Document Unique ID: 00
Drafter: EB/OA/AVP:JCOOK:GL
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750211-0327
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197506101/baaaamvs.tel
Line Count: 102
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: MorefiRH
Review Comment: n/a
Review Content Flags:
Review Date: 14 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <14 MAY 2003 by BoyleJA>; APPROVED <14 MAY 2003 by MorefiRH>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: <DBA CORRECTED> wfs 971022
Subject: n/a
TAGS: EAIR, FI
To: HELSINKI
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006